

Remarks/Arguments

An R.C.E. is being filed concurrently herewith.

Claims 6 to 21 are pending. Claims 9, 10 and 18 to 20 are canceled.

Claims 6 to 8, 11 and 13 to 15 are amended.

The Office Action stated: that it is noted that applicants have filed an Amendment after the Final Rejection; applicants' attorney has addressed the issues of record; and that the proposed amendment will not be entered. Applicants have filed this Amendment as applicants believe that the claims are now in condition for allowance. It is believed that entry of this Amendment will result in allowance of all of the non-canceled claims.

The Office Action stated: that Claims 6 to 21 are pending; and that Claims 6 to 21 have been rejected. It is believed that the non-canceled claims are in allowable condition.

The obviousness rejection of the chemical entity of Claim 21 has been continued on the ground that it is dependent upon process Claim 19, that has been rejected as being obvious. This assertion is mistaken as Claim 21 is an independent claim drawn to a chemical entity (or mixture) and is not dependent upon Claim 19. There are no other prior art or Section 112 rejections of independent Claim 21, so it is submitted that Claim 21 is also allowable.

Claim 7 and 8 have been objected to. The Office Action stated: that, in Claims 7 and 8, the phrase "The at least one oligophenol cyanate" is recited; that a term "unsaturated" is needed for the "oligophenol cyanate;" and that an appropriate correction is required. These corrections have been made.

This objection should be withdrawn.

The Office Action stated that the rejection under Section 112 of Claims 11, 13 to 15 and 18 can be overcome with the proposed modification in the amendment. Withdrawal of the Section 112 rejection is accordingly requested.

The Office Action stated that, however, the Section 112 rejection of Claim 19 has been maintained due to the proposed amendment because the phrase "according to Claim 6" has been canceled in the Claim 19. Dependency on Claim 6 has been inserted back into Claim 19. So withdrawal of this Section 112 rejection is requested. (Claim 19 has been canceled.)

The Office Action stated that, in turn, the Section 112 rejection of Claims 20 to 21 will be maintained due to their dependency on the rejected Claim 19. Claim 21 is not dependent on Claim 19. Claim 19 has been changed, so Claim 20 should also be clear of Section 112. (Claims 19 and 20 have been canceled.)

The Office Action stated that Claims 9, 10 and 18 will be rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. Applicants traverse this rejection. However, Claims 9, 10 and 18 have been canceled.

The Office Action stated that the claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Applicants traverse this rejection. However, Claims 9, 10 and 18 have been canceled.

Applicants reserve the right to file continuation and/or divisional applications for canceled Claims 9, 10 and 18 to 20 (and the inventions thereof).

The amendment filed on 1/27/2004 has been objected to under 35 U.S.C. 132 because it introduces new matter into the disclosure. Applicants traverse this objection. However, Claims 9, 10 and 18 to 20 have been canceled.

The Office Action stated: that 35 U.S.C. 132 states that no amendment shall introduce new matter into the disclosure of the invention; that the added material which is not supported by the original disclosure is as follows: Claims 9 and 18 have been amended to introduce the phrase "in the absence of any catalyst" which is different than the original process which is involved in the presence of triethylamine as a tertiary amine catalyst (page 4, line 16) presented in the specification as filed; that a close inspection of the original claims and the specification do not provide antecedent basis for the proposed changes; that new matter cannot be introduced into specification at any time during prosecution, unless there is a supporting description that would support the proposed changes; and that applicants are required to cancel the new matter in the reply to this Office Action. Applicants disagree that new matter is involved. However, Claims 9, 10 and 18 to 20 have been canceled.

This objection should be withdrawn.

The Office Action stated that Claims 6 and 11 to 17 are allowable with the proposed modification in the amendment. Applicants thank the Examiner for indicating the allowability of such claims. Applicants believe that Claims 7, 8 and 21 are also allowable.

The Office Action stated that the rejection of Claims 6 to 8 and 11 to 13 under 35 U.S.C. 102(b) as being anticipated clearly by Woo et al. (U.S. Patent No. 4,713,442) will be overcome by the proposed modification in the amendment.

The Office Action stated that the rejection of Claims 6 to 8 and 11 to 17 under 35 U.S.C. 103(a) as being unpatentable over Woo et al. (U.S. Patent No. 4,713,442) will be overcome by the proposed modification in the amendment, except for Claims 9, 10 and 18 to 21. Claims 9, 10 and 18 to 21 have been canceled.

Applicants submit that independent Claim 21, drawn to a chemical entity (and mixtures) is patentable over Woo et al. for the reason that independent Claim 6 is allowable over Woo et al. Claim 6 is drawn to a chemical entity (and mixtures). Claim 21 is not a process claim and is not dependent upon Claim 19. Applicants submit that Claim 21 is not obvious over Woo et al.

Entry of this Amendment is requested.

Reconsideration, reexamination and allowance of the claims are requested.

Respectfully submitted,

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